

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON CORDELL BENNETT,

Defendant.

**CR-17-68-GF-BMM**

**ORDER**

The Court granted Defendant Brandon Cordell Bennett’s Motion for Subpoena Duces Tecum on March 18, 2019. (Doc. 152 at 4-5.) The Court modified Bennett’s requested subpoena duces tecum to require Robin Castle, or the custodian of records, to deliver the requested records to the Missouri River Courthouse, instead of to Bennett’s counsel, so that the Court can conduct an in-camera review of the records. *Id.* at 3.

The Court issued the subpoena duces tecum on March 19, 2019. (Doc. 153.) The subpoena requested that Counselor Robin Castle, or the custodian of records, Power of Play, 1601 2<sup>nd</sup> Ave. N, Great Falls, MT 59401, produce “any and all counseling reports, statements, or other information with regard to the complaining witness, JANE DOE, in the above referenced case.” *Id.* at 1. The subpoena

mandated that the requested information be delivered to the Missouri River Courthouse by March 26, 2019, at 12:00 p.m. (Doc. 153 at 1.)

The Government filed a notice related to the subpoena on March 26, 2019. (Doc. 156.) The notice provided that Castle had contacted Jane Doe's mother and had requested that Jane Doe's mother contact the United States Attorney's Office. *Id.* at 2. Jane Doe's mother contacted the United States Attorney's Office on March 26, 2019, at approximately 2:00 p.m. *Id.* Jane Doe's mother represented that Castle requested an extension to comply with the subpoena. *Id.* Castle explained that she "would not be able to start gathering the records sought until April 1, 2019." *Id.*

A hearing on the pending motions in this case is currently scheduled for April 8, 2019. Trial is presently set for April 15, 2019. Given the short timeframe, the Court will grant a minor extension to allow Castle sufficient time to comply with the subpoena. Castle, or the custodian of records, shall deliver the requested information to the Missouri River Courthouse, by April 3, 2019, 12:00 p.m.

The Court will remind Castle that Federal Rule of Criminal Procedure 17(g) authorizes the Court to "hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by" this Court. The Court will not entertain any further extensions absent good cause.

Accordingly, **IT IS ORDERED** that the subpoena duces tecum issued on March 18, 2019 (Doc. 153) shall remain in effect. Robin Castle, or the custodian of

records, Power of Play, 1601 2<sup>nd</sup> Ave. N, Great Falls, MT 59401, shall deliver the requested information to the Honorable Brian M. Morris, Missouri River Courthouse, 125 Central Avenue West, Suite 110, Great Falls, MT 59404 **by April 3, 2019, at 12:00 p.m.**

DATED this 28<sup>th</sup> day of March, 2019.



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Brian Morris  
United States District Court Judge